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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/806,035      | 03/26/2001  | Rabah Arhab          | 1200.463            | 3431             |

7590 05/01/2003

Longacre & White  
6550 Rock Spring Drive Suite 240  
Bethesda, MD 20817

EXAMINER

NGUYEN, XUAN LAN T

|          |              |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

3683

DATE MAILED: 05/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application N .

09/806,035

Applicant(s)

ARHAB, RABAH

Examiner

Lan Nguyen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) 6,7,9-18 and 30 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5,8 and 19-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152) \_\_\_\_\_.
- 6) ☐ Other: \_\_\_\_\_.

CHAS. D. SCHWARTZ  
PRIMARY EXAMINER

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election with traverse of Species 1 directed to figures 1-5 in Paper No. 7 is acknowledged. The traversal is on the ground(s) that Species 1 (figures 1-5) and Species 2 (figures 6, 7) are of the same inventive concept. This is not found persuasive because the election requirement was based on distinct species claimed. Applicant states that claims 1-3 and 5-21 are pertaining to Species 1. Further reviewing of the application shows claims 1-5, 8 and 19-29 are directed towards Species 1. Hence, claims 6, 7, 9-18 and 30 have been withdrawn from consideration for pertaining to non-elected species. Claim 1 remains generic.

The requirement is still deemed proper and is therefore made FINAL.

### ***Specification***

- OK 2. The abstract of the disclosure is objected to because "Figure 1" needs to be deleted. Correction is required. See MPEP § 608.01(b).
- OK 3. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

### **Arrangement of the Specification**

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

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- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (e) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.
  - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (f) BRIEF SUMMARY OF THE INVENTION.
- (g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (h) DETAILED DESCRIPTION OF THE INVENTION.
- (i) CLAIM OR CLAIMS (commencing on a separate sheet).
- (j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

4. The disclosure is objected to because of the following informalities:

- OK • Brief descriptions of figures 59-61 need to be separated from the brief description of figure 58.
- OK • Page 7, line 8, "centring" should be --centering--.
- OK • Page 10, line 18, "damper plate 13" should be --damper plate 35--.

Appropriate correction is required.

***Claim Objections***

- OK 5. Claim 1 is objected to because of the following informalities: on line 12, "is connected by axially" should be --is axially connected by --. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

- OK 7. Claim 20 is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Pieces 24, 25 and 26 are illustrated as separated pieces, not as one piece. Moreover, claim 20 depends on claim 19 wherein claim 19 states "the pieces are distinct from the tongues". For purpose of examination, claim 20 is interpreted as all pieces are connected together.

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 19-29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- OK • In claim 19, "the pieces (25)" lacks antecedence basis.

- OK • In claim 23, "the torsion damper (28)" lacks antecedence basis.
- • In claim 23, line 3, "the hub (14)" should be --the wall (3)--.
- OK • In claim 24, "the damper plate (35)" lacks antecedence basis.
- OK • In claim 24, line 3, "the hub (14)" should be --the wall (3)--.
- OK • In claim 24, line 3, "possibly" causes claim 24 to be indefinite.
- OK • In claim 26, line 3, "periphery" should be --peripheries--.
- • In claim 27, line 4, "a hub (35)" should be --the damper plates (35)--. *the hub*
- OK • In claim 28, line 3, "an axially" should be --the axially--.

***Claim Rejections - 35 USC § 102***

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. Claims 1-5, 8, 19 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Jandasek.

Re: claim 1, Jandasek shows a hydrokinetic coupling apparatus, as in the present invention, comprising: having casing 18, 24 provided with a transverse wall 19; a turbine wheel 27 fixed to a hub 32; a piston 36 disposed between said wall and said turbine wheel for its disengageable connection to the transverse wall wherein the piston is axially connected to the external periphery of the casing by elastic tongues 42.

Re: claims 2 and 3, as shown, the tongues are tangentially and radially oriented.

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Re: claim 4, as shown, the tongues are distributed in several sets, each including at least one tongue.

Re: claim 5, as shown, the tongues are above the second surface wherein the second surface is the portion of piston 36 that engages with friction linings 49.

Re: claim 8, as shown, the tongues are fixed to the piston and the wall.

Re: claim 19, as shown, pieces 43, 44 are distinct from the tongues.

Re: claim 20, as shown, pieces 43, 44 and tongues 42 are connected together.

***Claim Rejections - 35 USC § 103***

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 21-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jandasek.

Re: claim 21, Jandasek's hydrokinetic coupling apparatus, as rejected above, lacks the rivets. The Examiner takes an Official Notice that rivets, welding, etc. are old and well-known methods of fastening. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used either of these methods to fasten the tongues to the piston and the casing of Jandasek; since these are old and

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well-known methods that are widely used interchangeably to fasten metal parts together.

Re: claims 22-27, Jandasek shows hub 32, torsion damper 47 with disc 48 and two friction linings 49 and ferrule 38. In column 2, line 6, Jandasek shows that hub 32 has a splined connection.

14. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jandasek in view of Arhab et al (WO 98/58194).

Jandasek's hydrokinetic coupling, as rejected above, lacks a friction means disposed between the piston and hub. Arhab et al. teach in figure 3 a friction means 62 disposed between piston 40 and hub 60, 32 to further secure the piston to the hub. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated a friction means such as taught by Arhab to further secure the piston to the hub.

### ***Conclusion***

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Arhab et al. (WO 00/40878), Zeidler and Hauguth et al. show other clutch systems.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lan Nguyen whose telephone number is 703-308-8347. The examiner can normally be reached on M-F, 9 to 5:30.



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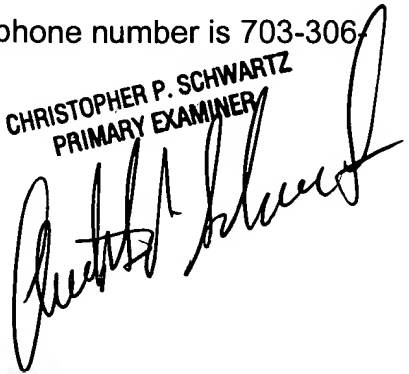
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Lavinder can be reached on 703-308-3421. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-4177.

XLN

XLN  
April 25, 2003

CHRISTOPHER P. SCHWARTZ  
PRIMARY EXAMINER

A handwritten signature in black ink, appearing to read "Chris Schwartz", is written over the printed name and title of the Primary Examiner.